REMARKS

In the office action, claims 4-12 have been rejected under 35 U.S.C. §112, claims 11-12 have been rejected under 35 U.S.C. §101, and claims 1-3 have been rejected under 35 U.S.C. §102(b) based on WO 97/03120 to Seppala et al.

During a telephone discussion with Examiner Lewis on April 15, 2002, Applicants explained that a preliminary amendment had been filed previously in the application on July 24, 2001 in which the application was amended to conform to U.S. practice. The preliminary amendment included amendments to improper multiple dependent claims and the addition of headings to the specification.

During the telephone call, Examiner Lewis explained that the preliminary amendment of July 24, 2001 was never received and, thus, not entered. This was apparent from the rejections made in the office action.

By this response, Applicants submit amendments to the specification and new claims. Claims 13-20 are pending in the application.

The Invention

The present invention is for a novel process for preparing a hydrophobic starch. Applicants have surprisingly discovered a process that utilizes a root or tuber starch (i.e. potato, yam, etc.) having at least 95 wt. % of amylopectin to obtain a hydrophobic starch.

Root or tuber starches that are at least 95 wt.% amylopectin do not occur naturally. By using genetic modification, root and tuber starches can be cultivated that contain at least

95 wt.% of amylopectin starch. See pages 4-5 of the specification. Naturally occurring root or tuber starches contain, at most, 80 wt.% of amylopectin starch.

35 U.S.C. 101 Rejection

Claims 11-12 have been rejected under §101 for lacking required steps in the claims. Claims 11 and 12 have been cancelled and new claims 13-20 have been added. Claims 13-20 contain the required steps. Therefore, Applicants respectfully submit that the rejection under §101 has been rendered moot.

35 U.S.C. 112 Rejections

Claims 4-12 have been rejected under §112, second paragraph, as being indefinite due to the recitation of improper multiple dependent claims, and for a lack of required steps. Claims 4-12 have been cancelled and new claims 13-20 have been added. Claims 13-20 do not recite improper multiple dependencies, and do contain required steps. Therefore, Applicants respectfully submit that the rejections under §112 have been rendered moot.

35 U.S.C. 102(b) Rejection

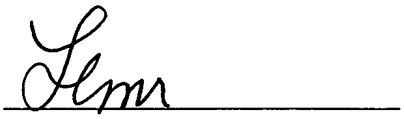
Claims 1-3 have been rejected under §102(b) as being anticipated by Seppala et al. Seppala et al. disclose a process for thermoplastcizing a starch. The process of Seppala et al. includes a natural starch or natural starch derivative containing hydroxyl groups, so that the starch can react with isocyanurate groups.

Seppala et al. teach only the use of a natural starch derived from barley, potato, wheat, oat, peas, maize, tapioca, sago, rice, etc. having an amylase concentration of 0 to 100% and an amylopectine concentration of 100 to 0%. See col. 9, lines 18-20 of Seppala et al.

As explained above, natural root or tuber starches contain, at most, 80 wt.% of amylopectin. Therefore, Seppala et el. do not teach the root or tuber starch having at least 95 wt.% of amylopectin of the claimed invention and, consequently, cannot anticipate the claimed invention. Applicants respectfully request the rejection under §102(b) based on Seppala et al. be withdrawn.

If the Examiner has any questions relating to this Amendment or to this application in general, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the telephone number provided below.

Respectfully submitted,



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